IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 837 OF 2006

Narojdevi Radheshyam Jaiswal & Ors. ...Petitioners

Versus

State of Maharashtra & Ors. ...Respondents.

Mr. M.V. Aiya for the Petitioners

Mr. R.M. Patne, Assistant Government Pleader,
for the State.

CORAM: V.G. PALSHIKAR, Ag.C.J., &
SMT. NISHITA MHATRE, J.
DATE: FEBRUARY 15, 2006.

P.C.:-

1. By this petition, the petitioners, in effect, have challenged the statement made by the State Government through the Additional Government Pleader that an order passed by the State Minister is being withdrawn, in view of a Division Bench judgment of this Court. The contention is that this order, which was withdrawn by the State, was passed prior to the date of the judgment of the Division Bench, relying on which, the

withdrawal has taken place. According to the learned counsel for the petitioners, the judgment does not have retrospective effect and, therefore, the withdrawal was liable to be quashed.

2. In our opinion, the authority making an order has inherent power to withdraw the same. Consequently, subsequent judgment of a court of law cannot be regarded as the other source of power of such withdrawal. No case for interference is made out. The petition is dismissed.

3. Issuance of certified copy of this order is expedited.